

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID PIERRE-JONES,
Plaintiff,

v.

JEREMY DEFRANCO,
Defendant.

Case No. 1:24-cv-00904-CDB (PC)

**ORDER DIRECTING CLERK'S OFFICE
TO REFER MATTER TO THE UNITED
STATES MARSHAL FOR ADDITIONAL
SERVICE EFFORTS**

Background

Plaintiff David Pierre-Jones ("Plaintiff") is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. (Doc. 1). Plaintiff filed the instant asserting claims against Defendant Jeremy Defranco ("Defendant") while Plaintiff was incarcerated in Salinas Valley State Prison. *Id.*

On August 9, 2024, the Court found service of the complaint appropriate, via the Court's e-service pilot program as to Defendant. (Doc. 5). On August 15, 2024, the California Department of Corrections and Rehabilitation filed its Notice of E-Service Waiver, indicating personal service would not be waived on Defendant's behalf. (Doc. 7). Therefore, in accordance with the Court's service order issued August 9, 2024, personal service was to be effected by the United States Marshal.

On August 27, 2024, the United States Marshal filed its USM-285 form indicating that

1 “Sonia Banda, Timekeeping Manager” at Management Solutions, LLC, in Long Beach,
2 California, accepted service of the summons and complaint on behalf of Defendant on August 26,
3 2024. (Doc. 8). The summons provides that Defendant is “required to serve...an answer to the
4 complaint which is served on you with this summons, within 21 days after service of this
5 summons on you, exclusive of the day of service.” (Doc. 6); Fed. R. Civ. P. 12(a)(1)(A)(i).

6 Because Defendant did not file an answer to the complaint within 21 days following
7 service of the summons and complaint, the Court issued a show cause order requiring a response
8 from Defendant and extending his deadline to answer the complaint. (Doc. 9). Consistent with
9 that order, the Clerk of the Court mailed a courtesy copy of the order on Defendant at the address
10 listed in the USM-285 form filed on August 27, 2024 (*see* Doc. 8). (Dkt. entry dated
11 10/03/2024). On October 15, 2024, the mailing was returned as “Undeliverable, Attempted – Not
12 Known, Unable to Forward.” (Dkt. entry dated 10/15/2024).

13 **Discussion**

14 It appears the service effort by the U.S. Marshal on Defendant at the Management
15 Solutions, LLC, address in Long Beach may not have been effective given that the Court’s show
16 cause order mailed to the same service address was returned undeliverable.

17 The undersigned notes that a cursory search of “Dr. Jeremy DeFranco” using internet
18 search tools reveals a psychiatrist by that same name at business addresses in Culver City and
19 Pasadena. Accordingly, the Court will direct the Clerk of the Court to refer this matter to the U.S.
20 Marshal for additional service efforts.

21 **Conclusion and Order**

22 For the foregoing reasons:

- 23 1. The Clerk of the Court shall provide the United States Marshal with a copy of the
24 complaint, the summons, the Court’s screening/service order, and this order.
- 25 2. The United States Marshal shall undertake additional reasonable efforts to identify
26 and/or locate Defendant, including possibly at the following business addresses
27 associated with Defendant through internet online search tools: (A) 3831 Hughes
28 Ave., Suite 506, Culver City, CA, 90232; (B) 155 N. Lake Ave., Suite 800,

Pasadena, CA, 91101.

3. The United States Marshal shall comply with the provisions of the Court's Screening Order and Order Directing Service (*see* Doc. 5).

IT IS SO ORDERED.

Dated: **October 21, 2024**


UNITED STATES MAGISTRATE JUDGE